

612 40 140. (Amended) A method of conducting a telephonic-interface ticket control operation as defined in claim ~~31~~<sup>38</sup>, wherein the access is limited based upon a limited number of uses for defined intervals of time.

### REMARKS

By this amendment, claims 24, 42, 44, 55, 73, 77, 82, 89, 103, 108, 111, and 140 are amended to further clarify the claims and to correct inadvertent inconsistent recitations. The amendments to the claims are fully supported by the specification and do not introduce any new matter. Reconsideration of the claims is respectfully requested in view of the above amendments to the claims and the arguments urged below.

The Examiner continues to reject claims 77-78, 81-82, and 127-128 under 35 U.S.C. § 103(a) as unpatentable over Entenmann et al. (Entenmann) in view of the article by Hester. The Examiner takes the position that Entenmann differs from the rejected claims only because it lacks a teaching of the use of DNIS for selecting from a plurality of services. Therefore, the Examiner relies on Hester to fill that void, indicating that it would have been obvious to one of ordinary skill to incorporate the use of DNIS within the lottery system of Entenmann. However, there is no mention or showing in Entenmann of a plurality of lottery services being concurrently operated. Without an explicit indication in Entenmann, it is only with hindsight that the Examiner is able to envision that use of DNIS for selecting one of a plurality of services (in the event Entenmann disclosed them) may be desirable in a system such as Entenmann's. Accordingly, even if Hester does disclose use of DNIS, Applicant urges the Examiner to reconsider whether a combination of the two references is appropriate.

Moreover, Entenmann is a *ticketless* lottery system which utilizes the public switch network to enter a lottery, and receive an indication of winning while connected on the lottery call. Unlike a conventional lottery, Entenmann discloses "a system which provides a caller with immediate results on his lottery bet" (column 1, lines 37-38), "while the player is still online". (column 1, line 50). While Entenmann may serve to verify a particular customer's eligibility, such as "for a limited number of chances" or "to ensure that a prep aid amount or credit limit is not exceeded" (column 2, line 65 to column 3, line 4), Entenmann does not impose a limit on access during a predetermined period of time where the right to use expires after the predetermined period of time. Indeed, when Entenmann does refer to time it states that "the

lottery entry can also be arranged to be tried periodically, say, every month". That is different from a limit imposed by the system as to how many times a user may use the system in relation to time. (column 3, line 67 to column 4, line 10).

In contrast, Applicant's invention as now claimed in claims 77, 78, 81 and 82 (as well as other dependent claims from independent claim 77) include the limitation to qualification means coupled to said interface means for limiting access *during an interval of time* to said processing means based upon comparing said identification data with previously stored identification data. With the ongoing nature of Entenmann's lottery game, there is no teaching, suggestion or motivation in Entenmann to limit use to a predetermined interval. Hester is similarly deficient in its teachings. Indeed, Applicant understands the Examiner to be utilizing Hester solely for its teaching of DNIS, and not for its teaching of any other element of the claim as presented. Further, Applicant wishes to make of record their view that there is no teaching or suggestion to combine Entenmann with Hester. Given Entenmann's December 1, 1987 filing date, clearly the teachings of Hester (or the knowledge of DM5) was either known to or available to the Entenmann inventors. However, those Entenmann inventors elected not to combine materials in the art, and under the law, we should not do so here, solely with the use of hindsight.

In addition, with respect to claims 24-76, 79-80, 83-88, and 129-148, the Examiner rejected them under 35 U.S.C. § 103(a) as unpatentable over Entenmann in view of Hester, and further in view of Barr and Muller et al. (Muller). Again, with respect to these claims, Applicant urges the same reasons urged above that defy a combination of Entenmann with Hester.

Moreover, a combination of Entenmann with Hester is void of a teaching of a "distinct indicia or bar code co-related to at least a portion of the identification number provided on the ticket." The Examiner looks to Barr and Muller to satisfy this void. The mere fact that the Examiner must combine four references to attempt to satisfy Applicant's claims appears to be a stretch. At any rate, Applicant requests the Examiner to reconsider her rejection for the simple reason that there is no explicit suggestion in the primary reference (Entenmann) that invites a combination such as one the Examiner has asserted.

Again, Entenmann is a *ticketless* system wherein the caller may obtain immediate results. Indeed, Entenmann himself in the "PROBLEM" section specifically mentions the purchase of "tickets", but significantly, ***never goes on to mention the use of tickets in connection with the Entenmann lottery game.*** Indeed, review of Entenmann's "PROBLEM" section reveals why this

is so. Entenmann contrasts normal lottery betting through other gambling activities "such as roulette wheel or dice, where the bettor learns results momentarily." Clearly, no ticket is used or even required in such games of chance, as no time interval has passed. So too with Entenmann's teaching, the immediate aspect of the selection of winners obviates the need for any ticket. Accordingly, Applicant strongly contests the attempted combination of the ticketless Entenmann system with the various ticket references such as Muller.

Applicant further points out that there are numerous limitations in the dependent claims which are not taught by any of the cited references, yet the rejection goes to all of these claims. For example, claim 25 relates to a check digit test, claims 3 1-33 relate to the use of bar code indicia, claim 34 relates to providing additional numerical indicia, claim 35 relates to recording additional identification data, claims 39 and 40 relate to providing visual indicia on the ticket, claims 4 1-44 relate to the use of calling number identification data, claim 45 relates to the use of automatic call distributors, claim 46 relates to selection of a subformat, claim 48 relates to the use of visual indicia on the ticket, claim 52 relates to the use of toll free numbers, claim 53 relates to the use of a clock to limit access during predetermined interval of time, and claim 54 relates to the use of certain digits of said identification number containing information specific to each of a plurality of interactive processing formats, where the digits are tested for entitlement. Applicant respectfully requests reconsideration on those dependent claims.

Finally, claims 89-126 are rejected over a five reference combination of Entenmann, Hester, Barr and Muller, further in view of Run. This rejection is respectfully traversed for at least the reasons set forth above. There is simply no teaching, suggestion or motivation in the references to make this five-way combination. Since Entenmann is a ticketless system, it simply cannot be said that the addition of the Run reference fills the deficiencies in the other four references. Applicant requests that this rejection be withdrawn.

Favorable consideration and allowance of the claims pending here is respectfully requested.

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